

BOARD OF SELECTMEN

October 1, 2007

The Chairman McArdle called the meeting to order at 7:30PM. Board members present in addition to Chairman McArdle were Richard Gandt, Boyd Jackson, and Dick Carlson. Steve Clark was not present. Of the Selectmen's staff, Town Administrator Virginia Wilder, and Board Secretary Donna Rich were in attendance. Other persons present were Jane Schraffa of the Topsfield Cable. Also present were Brendan Lewis of the Tri-Town Transcript, Faye Raynard of the Village Reporter, Widge Merrill of 23 Gail St., Nancy Luther and Joe Geller of the Rail Trail Committee.

Announcements: Chairman McArdle announced that Fall Hydrant Flushing will begin on October 10, 2007. This program is designed to remove sediment from the water mains, identify hydrants in need of repair, check system fire flows and improve water quality. Work will be done at night, so during the nighttime and early morning some customers might notice rust-colored or black water. The Chairman announced the Board would go into executive session at the end of the meeting to discuss the legal case of the Town v. Bernstein and the Police and Dispatchers unions contracts and would not return to open session.

Selectmen Minutes: Selectman Gandt made the motion to accept the minutes of September 17, 2007 as written; seconded by Selectman Carlson, Selectman Jackson abstained; so voted 3-0. Selectman Gandt made the motion to accept the minutes of the Executive Session of September 17, 2007 as written and to hold until all matters have been resolved; seconded by Selectman Carlson, Selectmen Jackson abstained, so voted 3-0.

OLD BUSINESS:

United Nations Day: Selectman Jackson made a motion to proclaim October 24, 2007 United Nations Day and encourage the schools to participate in the events, seconded by Selectman Gandt; so voted 4-0. The Chairman signed the Proclamation.

NEW BUSINESS:

Liability Insurance Claim at 23 Gail St: The Board asked Ms. Wilder to provide a summary of the issue. There was street water run off due to a drain being covered during road construction. This allegedly caused damage to the furnishings, basement, and garage at 23 Gail St. The Town's Insurance Company has offered a settlement of Actual Cash Value (ACV). However, the homeowner is seeking total replacement value. Ms. Wilder informed the Board that if they decided to reimburse the Merrill's at total replacement value it would require Town Meeting appropriation. Mr. Merrill spoke to the Board stating that the clean-up was completely paid for by the insurance company. Reconstruction was not; and, that he is seeking an amount of \$2,700 representing primarily replacement of a maple wall unit and sectional sofa. Selectman Carlson stated that he did want to set a precedent and Selectman Jackson asked for time to consult with the Highway Superintendent. The matter was continued to the next meeting, October 9, 2007.

APPOINTMENT:

7:45 MAPC Bike Rack Program: Rail Trail Committee members Joe Geller and Nancy Luther came forward to request approval to submit a grant application to the Regional Bike Parking Program. Under this program MAPC is offering bike racks to towns for the cost of shipping.

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Mr. Geller has spoken with Mr. Kerry Kaplon, principal of Proctor School, who is in favor of the program as the school is in need of new bike racks. Mr. Geller has presented the program to the Recreation Committee, and the Recreation Committee has voted to pay the shipping cost of roughly \$200. The Park & Cemetery Commission has offered their services for the installation of the racks. The School Committee concurred with the grant but stated that no vote was necessary to accept the racks on school property. One of the stipulations of the grant is that pictures of the installed bike racks must be submitted to MAPC prior to December 1, 2007. There will be 4 bike racks ordered for Proctor School and one rack for Steward School. There will also be one rack ordered for the Town Hall. Selectman Carlson made a motion for the Chairman to sign for the procurement contract for six (6) bicycle racks under the Regional Bike Parking Program of the MAPC, seconded by Selectman Gandt; so voted 4-0.

NPDES Phase II Annual Report: Selectman Gandt made a motion for the Chairman to sign the 2007 Annual Report for the Town's Stormwater Management Plan as prepared by the Highway Superintendent, seconded by Selectman Jackson; so voted 4-0.

Diesel Fuel for Highway Vehicles: Selectman Gandt made a motion to award a contract for the purchase of diesel fuel to Mike & Sons Oil Service Inc. of Ipswich, MA not to exceed \$20,000 for FY08 for the town's vehicles, seconded by Selectman Jackson; so voted: 4-0.

Lease of a 2008 Sander Truck: Selectman Gandt made a motion to approve the Lease to Purchase Agreement with All American Investment Group LLC of Denver Co. for a 2008 International 7400 Sander Truck with a principal amount of \$94,000 and a total payment amount over the 4 year term of \$102,960 with the Chairman to sign, seconded by Selectman Jackson; so voted 4-0. This was appropriated by the May 2007 Annual Town Meeting.

Veteran Day Parade Banner: Selectman Gandt made a motion to approve the erecting of a banner between Proctor School and Town Hall to encourage people to attend the Veteran Day Parade scheduled for November 3rd. The banner can be erected on October 24th and removed by November 4th, seconded by Selectman Jackson; so voted 4-0.

Town Hall Computer System Administration & Network Support: Selectman Gandt made a motion to award a contract to RetroFit Technologies of Milford, MA for a term beginning September 1, 2007 and ending June 30, 2008 in the amount of \$14,700, seconded by Selectman Carlson; so voted 4-0. Ms. Wilder stated that the intent was to enter into an agreement for only 2 months, however, the Computer Committee decided that more time was required to develop an analysis report of the system supports needed at the Town Hall. The Committee intends to prepare a bid for support services for FY09.

Library Basement Wall Repair Project: Selectman Gandt made a motion to award a contract to Atlas Contracting Services of Canton, MA in the amount of \$7,850 to perform repairs in the library that resulted from the May 2006 floods, seconded by Selectman Carlson; so voted 4-0. Ms. Wilder stated that the bid for this contract was accepted at the previous meeting and an award of contract was needed.

New Member for the Recycle Committee: Laura O'Connor has submitted a letter of interest to be appointed to the Recycle Committee. The Board would like to ask her to come to the October 9, 2007 meeting to interview her for the appointment.

Well Cleaning Contract for Water Department: Selectman Gandt made a motion to amend the contract with Layne Christensen Company of Dracut, MA for well cleaning services by extending the contract date through December 30, 2007, seconded by Selectman Carlson; so voted 4-0.

Common Victualler License: Alex's Roast Beef Pizza and Seafood submitted an application for a Common Victualler license. There was a discussion regarding the amount of seating permitted

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by the Building Inspector and what was discussed with the Zoning Board of Appeals. The license application states 18-20 seats while the petition to the ZBA represented that there would only be 12 seats. Also, no proof of Worker's Compensation accompanied the application. Ms. Wilder mentioned that a temporary license could be issued with conditions. Selectman Gandt made a motion to issue a temporary Common Victualler License to expire on October 15, 2007 stipulating that the seating occupancy is not to exceed 12 people and that the temporary license would not be in effect until proof of Worker's Compensation has been submitted to the Board of Selectmen's Office, seconded by Selectman Jackson; so voted 4-0.

Calendar of BOS Meetings: Chairman McArdle stated that there have been some requests to consider continuing the bi-weekly Selectmen meetings and that he is deferring discussion on this matter until the next meeting, October 9, 2007, when a full Board will be present.

Signing of Fire Chief Contract: Selectman Gandt made a motion to sign, as previously approved by the Board, the contract with the Ron Giovannacci as the Topsfield Fire Chief, with a term of July 1, 2007 – June 30, 2010, seconded by Selectman Jackson; so voted 4-0. Contract is considered a public document and is available at Town Hall for review.

Town Administrator's Report:

Please see attached report.

DEP Notice of Responsibility: Selectman Gandt made a motion to approve a contract with Enpro Services, Inc of Newburyport, MA in an amount not-to-exceed \$3,701 to provide Soil testing and analysis of a release of hazardous waste at the intersection of Route 1 and 97 and to authorize the Chairman to sign the contract, seconded by Selectman Jackson; so voted 4-0. The contract will be initially funded from the Selectmen's Special account but the BOS expects to petition the Finance Committee for a Reserve Fund Transfer; this was an unforeseen situation.

Correspondence & Reports:

Correspondence

- A letter was received from the Town of Walpole supporting the Municipal Coalition for Affordable Housing (MCAH) informing the Town of a conference on October 26, 2007 at National Grid in Westborough, MA.
- Letter was received from Special Olympics MA informing the Board of a breakfast of October 19, 2007 in Melrose beginning at 9AM – 11AM.
- MA Municipal Association Fall Regional Legislative Breakfast is being held at the Beverly Public Library Nov 30 to discuss the preliminary FY09 budget.
- MA Municipal Association has submitted their support for the "No Place for Hate" program.
- Police Chief has informed the Board of his applying for Justice Assistance Grant from the Executive Office of Public Safety & Research for upgrading the computer systems at the Police Station. The grant will be filed jointly with Wenham, Essex and Rowley. The requested system would support live dispatch.

Reports

- Board of Assessors has submitted the minutes of August 31, 2007.
- Library Board of Trustees has submitted minutes of June 11 and August 14, 2007.
- Conservation Commission has submitted a DOA for 46 Perkins Row and 1 Morningside Drive, OoC for Asbury St Bridge & Rowley Bridge St Bridge.
- Surface & Ground Water Study Committee has submitted minutes of August 23, 2007.
- Regional Operations Center has submitted minutes of August 16, 2007.

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- Planning Board & Zoning Board Joint Meeting has submitted minutes of September 4, 2007.
- Planning Board has submitted minutes of September 4, 2007.
- Council on Aging has submitted minutes of July 10, 2007.
- Cable TV Advisory Committee has submitted minutes of August 1, 2007.

Invitations

- MMA Fall Conference is to be held at the Sturbridge Host Hotel, Sturbridge MA beginning at 8AM-3PM on October 13, 2007.

Warrants: The Selectmen signed and approved warrants in the amount of **\$ 192,362.35**. The breakdown is as follows:

Warrant #FY:	
027 T	\$ 74,193.29
0 28	\$118,169.06

Executive Session: At 9:04PM, Chairman entertained a motion from Selectman Gandt to go into executive session to discuss the legal case of Town v. Bernstein, and the Police and the Dispatcher unions contracts; Selectman Carlson seconded motion. A yes vote was recorded for Selectmen Jackson, Selectmen Gandt, Selectmen Carlson and Chairman McArdle. The Board would not return to regular session. Virginia Wilder and Donna Rich were present also.

Respectfully submitted,

Donna Rich, Secretary
Selectmen's Office

Approved as written at the October 9 , 2007 Board of Selectmen meeting.